

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RONALD K. LINDE, MAXINE H. LINDE,
THE RONALD AND MAXINE LINDE
FOUNDATION, Individually and On Behalf
of All Others Similarly Situated,

Plaintiffs,

v.

FIFTH STREET ASSET MANAGEMENT
INC., LEONARD M. TANNENBAUM,
BERNARD D. BERMAN, ALEXANDER C.
FRANK, STEVEN M. NOREIKA, WAYNE
COOPER, MARK J. GORDON, THOMAS L.
HARRISON and FRANK C. MEYER,

Defendants.

Case No. 1:16-cv-01941-LAK

**NOTICE OF MOTION AND MOTION FOR AN AWARD OF ATTORNEYS'
FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

TO THE CLERK OF THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that, pursuant to the Court's Order Provisionally Certifying Settlement Class and Approving Notice to Settlement Class ("Notice Order," Dkt. No. 52), on February 16, 2017 at 9:30 a.m., before the Honorable Lewis A. Kaplan, in Courtroom 21B of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, Lead Counsel Glancy Prongay & Murray LLP ("Lead Counsel") will and hereby does move the Court for entry of an Order awarding attorneys' fees and reimbursement of litigation expenses. This motion is based on this Notice of Motion; the memorandum of points and authorities in support thereof; the Declaration of Lionel Z. Glancy in Support of: (I) Lead Plaintiffs' Motion for Final Approval of the Proposed Settlement, Class Certification and the Plan of Allocation; and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Litigation Expenses; the exhibits thereto; all pleadings and papers filed herein; arguments of counsel; and any other matters properly before the Court.

Lead Counsel is unaware of any opposition to this motion. Pursuant to the Notice Order, any objection to Lead Counsel's application for an award of attorneys' fees and reimbursement of litigation expenses must be filed on or before a January 26, 2017. To date, no objections have been filed.

A proposed order granting the requested relief will be submitted with Lead Plaintiffs' reply papers after the deadline for objecting to Lead Counsel's application for an award of attorneys' fees and reimbursement of litigation expenses has passed.

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Respectfully submitted,

DATED: January 12, 2017

GLANCY PRONGAY & MURRAY LLP

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- and -

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*Lead Counsel for Lead Plaintiff Kieran Duffy
and Susan Duffy and for the Class*

PROOF OF SERVICE

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On January 12, 2017, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Southern District of New York, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 12, 2017, at Los Angeles, California.

s/ Lionel Z. Glancy
Lionel Z. Glancy

Mailing Information for a Case 1:16-cv-01941-LAK Linde et al v. Fifth Street Asset Management, Inc. et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)